

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

v.

MATTHEW NELSON TUNSTALL,
Defendant.

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Case No. 1:21-CR-223

UNITED STATES' UNOPPOSED MOTION FOR A PROTECTIVE ORDER

The United States of America, through its undersigned attorneys, moves this Court, pursuant to Rule 16(d)(1) of the Federal Rules of Criminal Procedure, to issue the attached proposed protective order governing discovery in this matter.

The United States plans to imminently provide to Defendant Matthew Nelson Tunstall (hereinafter, the “defendant”) discovery that meets and exceeds its obligations, including those pursuant to Rule 16 of the Federal Rules of Criminal Procedure and *Brady v. Maryland*, 373 U.S. 83 (1963). Much of the material the United States intends to produce contains sensitive information regarding witnesses, such as personal identifiers, addresses, and phone numbers; private financial information; and confidential and sensitive information developed through the use of the grand jury. *See, e.g., Douglas Oil v. Petrol Stops Nw.*, 441 U.S. 211, 218, 219–22 (1979) (discussing the policies underlying grand jury secrecy requirements and noting that they remain in effect after the grand jury’s proceedings conclude).

A trial court “can and should, where appropriate, place a defendant and his counsel under enforceable orders against unwarranted disclosure of the material which they may be entitled to inspect.” *Alderman v. United States*, 394 U.S. 165, 185 (1969). Federal Rule of Criminal Procedure 16(d)(1) permits a court to deny, restrict, or defer pre-trial discovery where appropriate. The United States does not seek to delay, deny, or restrict the disclosure of information to the

defense; rather, the United States seeks only to facilitate discovery while protecting against the improper disclosure or use of a certain sensitive information.

Accordingly, the United States respectfully requests that a protective order be entered governing the use that can be made of all discovery material that the United States provides to the defendant.

Such material will be handled pursuant to the procedures outlined in the proposed order submitted contemporaneously to the Court, and that material may only be disclosed or disseminated in accordance with the proposed order, unless and until that order is modified by the Court. Counsel for the defendant has no objections to the proposed protective order.

Respectfully submitted,

COREY R. AMUNDSON
Chief, Public Integrity Section

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CERTIFICATE OF SERVICE

I hereby certify that on this date, I electronically filed the foregoing pleading with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorney of record for the defendant.

Dated: November 15, 2021

/s/ Rebecca M. Schuman

Rebecca M. Schuman
Trial Attorney